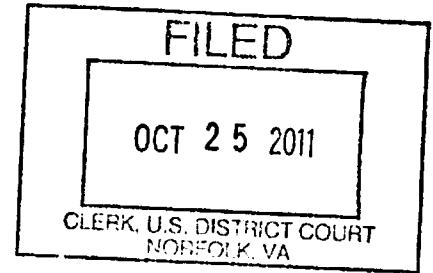


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



WILLIAM ORLANDO SMITH, #1128679,

Petitioner,

v.

ACTION NO. 2:11cv162

HAROLD W. CLARKE,
Director, et al. Virginia Department of Corrections,

Respondent.

FINAL ORDER

Petitioner, a Virginia inmate, submitted a pro se petition, pursuant to 28 U.S.C. § 2254, to redress alleged violations of his constitutional rights. Petitioner was convicted on December 13, 2004, in the Circuit Court for the County of Chesterfield for abduction with the intent to defile and rape, as a result of which he was sentenced to serve life plus forty-five years in the Virginia penal system.

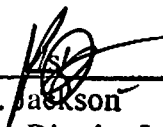
The petition was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Magistrate Judge's Report and Recommendation filed August 15, 2011, recommended dismissal of the petition as barred by the statute of limitations. The Court has received no objections to the Report and Recommendation and the time for filing objections has expired. Petitioner did, however, file a Notice of Appeal to the Fourth Circuit from the "final judgment entered in this action on August 15, 2011," stating no substantive objections to the Report and Recommendation.

The Court does hereby accept the findings and recommendations set forth in the Report and Recommendation filed August 15, 2011, and it is therefore ORDERED that Respondent's Motion to Dismiss be GRANTED, and that the petition be DENIED and DISMISSED as barred by the statute of limitations. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and to counsel of record for Respondent.



Raymond A. Jackson
United States District Judge

Raymond A. Jackson
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
October 25, 2011